

Serial No. 10/763,994

Amendment in Resp. to Off. Action of Feb. 16, 2006

UTILITY PATENT

B&D No. JK01244

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 2-5. These sheets, which include Fig. 2-5, replace the original sheets including Figs. 2-5.

Attachment: Replacement Sheets

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REMARKS

Applicant has amended Claims 1, 7, 9 and 14, and canceled Claims 16-20. Currently in the above-identified application therefore are Claims 1-15.

The Examiner objected to the drawings because they include reference numerals not mentioned in the Specification. First, FIG. 1A has reference numeral "134." Applicant has not been able to find such number in FIG. 1A, but have found in FIG. 1B. Accordingly, Applicant has amended paragraph 0015 of the Specification to explicitly call out such numeral.

FIGS. 1A-1B have reference numeral "138." Applicant has amended paragraph 0017 of the Specification to explicitly call out such numeral.

FIG. 2 has reference numerals "206," "208," "210," "218," "234" and "238." In response, these numerals have been amended to match the like parts/numerals in the other drawings. FIG. 2 also has reference numerals "224" and "226." Applicant has amended paragraph 0016 of the Specification to explicitly call out such numeral.

FIG. 3 has reference numerals "310" and "318." In response, these numerals have been amended to match the like parts/numerals in the other drawings. FIG. 3 also has reference numerals "324," "326" and "328." Applicant has amended paragraph 0018 of the Specification to explicitly call out such numerals.

FIG. 4 has reference numerals "410," "424" and "430." In response, these numerals have been amended to match the like parts/numerals in the other drawings.

FIG. 5 has reference numerals "506," "524" and "528." In response, these numerals have

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been amended to match the like parts/numerals in the other drawings.

The Examiner objected to the drawings because reference numeral "114" was used to designate both a recessed slot and a miter gage. In response, Applicant has amended paragraph 0012 to note that the slot and the miter gage are designated by reference numerals "114" and "116," respectively.

The Examiner has rejected Claims 1-6, 9-13 and 16-18 under 35 USC § 102(b) as anticipated by US Patent No. 6,170,370 ("Sommerville"). Reconsideration and withdrawal of this rejection is respectfully requested.

Basically, Sommerville does not have a back splitter having a body, a guard, an anti-kickback pawl and a side pressure splitter disposed below the anti-kickback pawl.

By contradistinction, independent Claims 1 and 9 require "a back splitter coupled to the arbor whereby the back splitter bevels with the arbor so that the back splitter is disposed in the kerf formed in a workpiece by operation of the circular saw blade, said back splitter including a body, a guard attached to the body for partially covering a periphery of the circular saw blade, a first anti-kickback pawl coupled to the body, and a side pressure splitter disposed on the body below the first pawl." Therefore Sommerville cannot anticipate Claims 1 and 9 and their respective dependent claims.

The Examiner also rejected Claims 1-20 under 35 USC § 103(a) as being unpatentable over US Published Application No. 2002/0174755 ("Behne") in view of US Patent No. 3,566,934 ("Thrasher") and further in view of Sommerville. Reconsideration and withdrawal of this rejection is respectfully requested.

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Basically, the Behne/Thrasher/Sommerville combination does not teach or suggest a back splitter having a body, a guard, an anti-kickback pawl and a side pressure splitter disposed below the anti-kickback pawl. Instead, because of the length of the Behne anti-kickback pawl and the height of the Thrasher and/or Sommerville side pressure splitters, the side pressure splitters would not be below the anti-kickback pawl. Instead, the anti-kickback pawl would overlap all the splitters.

By contradistinction, independent Claims 1 and 9 require that the "side pressure splitter [be] disposed on the body below the first pawl." Therefore the Behne/Thrasher/Sommerville combination does not teach or suggest all the elements of Claims 1 and 9 and their respective dependent claims.

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In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 1-15 are respectfully requested.

The Commissioner is authorized to charge payment of a one-month extension fee (\$120.00), as well as any other fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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